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this program, provided that the student-employee, during the period of assignment or attachment to the hospital, clinic, or medical or dental laboratory, will receive experience or training that is required to obtain a certificate or license in a medical or dental field; or

(3) Any student-employee not otherwise covered under this program whom the Office of Personnel Management

approves for coverage as a student-employee under this program.

[44 FR 54693, Sept. 21, 1979, as amended at 64 FR 68931, Dec. 9, 1999]

§ 534.203 Maximum stipends.

(a) Except as authorized under paragraph (b) or (c) of this section, stipends are to be set by the agency, subject to the maximum stipends prescribed in the following table:

Maximum Stipends Prescribed

| Code symbol | Academic level of approved training program | Maximums by grade and step ¹ |
|-------------|---|---|
| L–A | Below high school graduation | GS–1–1 (minus 3 steps). |
| L–1 | First year college undergraduate | GS–2–1 (minus 3 steps). |
| L–2 | Second year college undergraduate | GS–3–1 (minus 3 steps). |
| L–3 | Third year college undergraduate | GS–3–3 (minus 3 steps). |
| L–4 | Fourth year college undergraduate | GS–4–2 (minus 3 steps). |
| L–5 | First year postgraduate predoctoral | GS–5–1 (minus 3 steps). |
| L–6 | Second year postgraduate predoctoral | GS–7–1 (minus 3 steps). |
| L–6 | Third year medical school | GS–7–1 (minus 3 steps). |
| L–7 | Third year postgraduate predoctoral | GS–9–1 (minus 3 steps). |
| L–7 | Fourth year medical school | GS–9–1 (minus 3 steps). |
| L–8 | Fourth year postgraduate predoctoral | GS–10–1 (minus 3 steps). |
| L–8 | Medical or dental internship | GS–10–1 (minus 3 steps). |
| L–9 | Fifth year postgraduate w/o doctorate | GS–11–1 (minus 3 steps). |
| L–9 | First year postgraduate (Ph. D.) | GS–11–1 (minus 3 steps). |
| L–9 | First year medical or dental residency | GS–11–1 (minus 3 steps). |
| L–10 | Second year postdoctoral (Ph. D.) | GS–12–1 (minus 3 steps). |
| L–10 | Second year medical or dental residency | GS–12–1 (minus 3 steps). |
| L–11 | Third year medical or dental residency | GS–12–4 (minus 3 steps). |
| L–12 | Fourth year medical or dental residency | GS–13–1 (minus 3 steps). |
| L–13 | Fifth year medical residency | GS–14–1 (minus 3 steps). |

¹The maximum money amount in each case is derived by subtracting from the statutory salary for the appropriate grade a sum equivalent to three step increments of that grade. This amount includes overtime pay, maintenance allowances, and other payments in money or kind.

(b) An agency may pay a student-employee a stipend in excess of the amount prescribed under paragraph (a) of this section only if the Office of Personnel Management has determined that a higher maximum stipend is warranted for the student-employee.

(c) Maximum stipends for positions in the Public Health Service in which duty requires intimate contact with persons afflicted with leprosy are increased above the rates prescribed in paragraph (a) of this section to the same extent that additional pay is provided by Public Health Service Regulations (42 CFR 22.1) for employees subject to the General Schedule (part 531 of this chapter).

(d) Overtime pay, maintenance allowances, and other payments in money or kind for a student-employee must be considered as part of the student-employee's stipend for the purposes of this

section, and therefore, may not be used to cause the stipend to exceed the maximum stipend established under this section.

(e) A trainee at a non-Federal hospital, clinic, or medical or dental laboratory who is assigned to a Federal hospital, clinic, or medical or dental laboratory as an affiliate for a part of his or her training may not receive a stipend from the Federal agency other than any maintenance allowance that is provided.

§ 534.204 Previous authorizations.

The provisions of this subpart do not terminate any authorization approved by the Civil Service Commission or the Office of Personnel Management before February 15, 1979, and such authorizations remain in effect until modified or terminated by an agency or the Office

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of Personnel Management in accordance with the provisions of this subpart.

Subpart C—Basic Pay for Employees of Temporary Organizations

SOURCE: 67 FR 3582, Jan. 25, 2002, unless otherwise noted.

§ 534.301 Purpose.

This subpart provides rules for determining the rate of basic pay and locality-adjusted rate of basic pay for employees who are appointed to positions in temporary organizations and compensated under 5 U.S.C. 3161. Such temporary organizations are established by law or Executive order. This subpart does not provide authority to establish other forms of compensation and benefits not authorized by title 5, United States Code, or another specific statutory authority.

[67 FR 63049, Oct. 10, 2002]

§ 534.302 Coverage.

This subpart applies to employees in executive level and staff positions in temporary organizations. Such employees are not subject to the provisions applicable to General Schedule employees covered by chapter 51 and subchapter III of chapter 53 of title 5, United States Code.

[67 FR 63049, Oct. 10, 2002]

§ 534.303 Basic pay for executive level positions.

(a) Rates of basic pay for executive level positions of temporary organizations may not exceed the maximum rate of basic pay established for the Senior Executive Service under 5 U.S.C. 5382. Therefore, the highest rate of basic pay for executive level positions of temporary organizations, not including any applicable locality-based comparability payment under 5 U.S.C. 5304, may not exceed the rate of basic pay for level IV of the Executive Schedule.

(b) Employees in executive level positions of temporary organizations must be paid locality payments in addition to basic pay in the same manner as employees covered by 5 U.S.C. 5304. Local-

ity-adjusted rates of basic pay for executive level positions may not exceed the rate of basic pay for level III of the Executive Schedule.

§ 534.304 Basic pay for staff positions.

(a)(1) Rates of basic pay for staff or other non-executive level positions of temporary organizations may not exceed the maximum rate of basic pay for grade GS-15 of the General Schedule under 5 U.S.C. 5332, excluding any locality-based comparability payment under 5 U.S.C. 5304.

(2) In establishing rates of basic pay for staff and other non-executive level positions of temporary organizations, the head of a temporary organization must give consideration to the significance, scope, and technical complexity of the position and the qualifications required for the work involved. The head of a temporary organization must also take into account the rates of pay applicable to Federal employees who have duties that are similar in terms of difficulty and responsibility.

(b) Employees in staff and other non-executive level positions of temporary organizations must be paid locality payments in addition to basic pay in the same manner as employees covered by 5 U.S.C. 5304. Locality-adjusted rates of basic pay may not exceed the locality-adjusted rate of basic pay for grade GS-15 of the General Schedule under 5 U.S.C. 5304, for the locality pay area involved (not to exceed the rate for level IV of the Executive Schedule).

(c) Notwithstanding the limitations in paragraphs (a) and (b) of this section, the rate of basic pay and locality-adjusted rate of basic pay for a senior staff position of a temporary organization may, in a case determined by the head of a temporary organization to be exceptional, exceed the maximum rates established under those paragraphs. However, the higher payable rates may not exceed the applicable maximum rate of basic pay or locality-adjusted rate of basic pay authorized under this subpart for an executive level position.

[67 3582, Jan. 25, 2002, as amended at 67 FR 63050, Oct. 10, 2002]